

RESOLUTION No. 13839

**A RESOLUTION OF GARFIELD COUNTY, WASHINGTON
ACCOMMODATION OF UTILITY POLICY REVISIONS**

WHEREAS, the Garfield Board of County Commissioners has determined that the current Accommodation of Utility Policy is no longer adequate to meet the current and future needs of Garfield County; and


WHEREAS, Garfield County has recently updated their Development Regulations, Franchise Permitting Procedures, Right-of-Way Use Permitting and other policies and procedures, all in the preparation for an extensive utility expansion within Garfield County; and

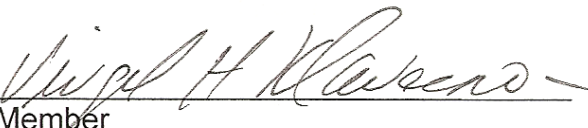
WHEREAS, previous Accommodation of Utility Policy is hereby being revised and hereinafter superseded;

NOW, THEREFORE BE IT RESOLVED BY THE GARFIELD BOARD OF COUNTY COMMISSIONERS THAT THE ATTACHED REVISED ACCOMMODATION OF UTILITY POLICY BE ADOPTED:

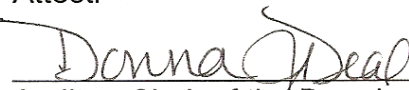
Adopted by the Garfield Board of County Commissioners this 11th day of August, 2008.


Chair



Member


Member

Attest:


Auditor, Clerk of the Board

Approved as per form:


Prosecuting Attorney

GARFIELD COUNTY ACCOMMODATION OF UTILITY POLICY

ACCOMODATION OF UTILITIES ON COUNTY ROAD RIGHT OF WAY FOR GARFIELD COUNTY

(Adopted by Resolution 13839, effective August 11, 2008)

1. PURPOSE

The purpose of this [resolution] is to establish a county policy to provide administrative and procedural guidance needed to accommodate the installation and relocation of all above and below ground utilities which are located within the county road right-of-way.

2. APPLICATION

This policy shall apply to all new franchises and permits issued pursuant to RCW 80.31.010, RCW 80.36.040 and RCW 36.55, to all public and private utilities, and to all installation and relocation of utilities within the county road right-of-way, including but not limited to electric power, telephone, television, telegraph, communication, water, gas, all petroleum products, steam, chemicals sewage, drainage, irrigation, and similar pipes, lines or cables. Franchises shall not be granted for any period greater than 25 years.

This policy cannot address all situations and conditions that may be encountered. Specific provisions contained herein may not be appropriate for all locations and existing conditions. The policy is intended to assist, but not substitute for, competent work by both road and utility design and installation professionals. This policy is not intended to limit any innovative or creative effort which could result in better quality, better cost savings or improved safety characteristics.

It shall be the responsibility of any utility installing or relocating any of its facilities to ascertain and abide by the requirements and conditions of this policy.

3. DEFINITION OF TERMS

Unless otherwise stated, works and phrases used herein shall have the following meanings:

Appliances/Appurtenances – Equipment and/or accessories which are a necessary part of an operating utility system of subsystem.

Backfill – replacement of excavated material with suitable material compacted as specified.

Boring – Grade and alignment-controlled mechanical or other method of installing a pipe or casing under a road without disturbing the surrounding medium.

Carrier – pipe directly enclosing a transmitted fluid or gas.

Casing – a larger pipe enclosing a carrier for the purpose of providing structural or other protection to the carrier and/or to allow for carrier replacement without re-excavation, jacking or boring.

Coating – protective material applied to the exterior of a pipe or conduit to prevent or reduce abrasion and/or corrosion damage.

Conduit – an enclosed tubular runway for protecting wires of cables

Cover – depth to top of pipe, conduit, casing or gallery below the grade of a road or ditch.

Drain – appurtenances to discharge accumulated liquids from casing or other enclosures.

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Encasement – structural element surrounding a pipe or conduit for the purpose of preventing future physical damage to the pipe or conduit.

Franchise – occupancy and use document granted by the county required for occupancy of road rights of way in accordance with RCW 36.55 and RCW 80.32.

Gallery – underpass for two or more utility lines.

Manhole – an opening in an underground utility system into which workers or others may enter for the purpose of making installations, inspections, repairs, connections, cleaning, and testing.

Pavement – the combination of sub-base, base course, and surfacing placed on a sub-grade to support the traffic load and distribute it to the sub-grade.

Permit – a document issued under the authority of (1) the County Engineer (or Public Works Director) and/or (2) a franchise granted by the County's legislative authority. The permit provides specific requirements and conditions for specific utility work at specific locations within the right of way.

Pipe – a structural tubular product designed, tested, and produced for the transmittance of specific liquids and gases under specific conditions.

Plowing – direct burial of utility lines by means of a 'plow' type mechanism which breaks the ground, places the utility line at a predetermined depth, and closes the break in the ground.

Pressure – internal gauge pressure in a pipe in pounds per square inch, gauge (psig)

Private Lines – privately owned, operated and maintained utility facilities devoted exclusively to the use of the owner.

Relocation – Planned change of location of an existing facility to a more advantageous place without changing the character or general physical nature of the facility.

Replacement – Installation of a like element of a utility system or sub-system in the same or near-same physical location normally due to damage, wear or obsolescence of the element.

Restoration – all work necessary to replace, repair or otherwise restore the right-of-way and all features contained within to the same or equal condition as before any change or construction thereto.

Right-of-Way – a general term denoting public land, property, or interest therein, Usually in a strip, acquired for or devoted to transportation or secondary purposes.

Road (or Roadway) – a general term denoting a street, road or other public way, Including shoulders, designated for the purpose of vehicular traffic.

Sleeve – short casing through a pier, wall or abutment of a highway structure.

Traffic Control – those activities necessary to safeguard the general public, as well as all workers, during the construction and maintenance of utility facilities within the right-of-way.

Trenched – installation of a utility in an open excavation.

Untrenched – installation of a utility without breaking the ground or pavement surface such as by jacking or boring.

Vent – appurtenance to discharge gaseous contaminants from casings or other enclosures.

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4. GENERAL CONDITIONS AND REQUIREMENTS

A. LOCATION

- (1) Utility installations shall be located to minimize need for later adjustment to accommodate future roadway improvements and to permit access to servicing such installations with minimum interference to roadway traffic. Counties shall make available to utilities a copy of their six-year transportation improvement program (or capital facilities and transportation plan where required) in order to minimize both utility customer and road user inconvenience should future road improvements (on existing or new alignment) require adjustment or relocating of the utility facilities. Said utilities shall, within the limits of standard business practice, make available appropriate short and long range development plans to the county.
- (2) Unless otherwise approved by the county, all above-ground utilities and their appurtenances as well as all above-ground appurtenances of below-ground utilities that may constitute a roadside obstacle for traffic using the road shall be located as close as practicable to the edge of the right-of-way line. If an appurtenance within the right-of-way would constitute an unacceptable roadside obstacle, said obstacle may be:
 - (a) relocated to another place within the right-of-way,
 - (b) converted to a break-away design,
 - (c) crash-protected, or
 - (d) relocated to another location off the road right-of-way.
- (3) Installations that are required for a road purpose, such as street lighting or traffic signals, are to be located and designed in accordance with this policy.
- (4) Where existing facilities are in place, new facilities shall be compatible with the Existing installations and conform to this policy as nearly as practicable.

B. DESIGN – GENERAL

- (1) The utility shall be responsible for the design of the utility facility being proposed. This responsibility shall include, in addition to the integrity of the proposed utility facility, provisions for public safety during the course of construction, as well as consideration of traffic safety and accident potential for the life of the installation.
- (2) For work requiring application to the county, the county may review and approve the utility's plans with respect to:
 - (b) location,
 - (c) the manner in which the utility facility is to be installed,
 - (d) measures to be taken to preserve safe and free flow of traffic,
 - (e) structural integrity of the roadway, bridge, or other structure,
 - (f) ease of future road maintenance, and appearance of the roadway.
- (3) Provision shall be made for known or planned expansion of the utility facilities, particularly those located underground or attached to bridges or other structures within the right-of-way.
- (4) Granting of a franchise or permit shall not imply or be construed to mean the county shall be responsible for the design, construction, or operation of the facility or for public safety during the facility's installation, operation, or maintenance.

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C. STANDARDS AND CODES

All utility installations shall be designed in accordance with the standards, codes and regulations applicable to the type of utility. The methods of installation and materials used shall conform to the codes and standards promulgated by government and by the industry. This shall also include any road design standards which the county shall deem operation, appearance and maintenance.

D. ADJUSTMENT AND RELOCATION OF EXISTING FACILITIES

- (1) Existing utilities on county road right-of-way may be required to be removed or relocated when road work funded by the county would disturb the existing utility. All such removal or relocation shall be at the sole expense of the owning utility and all work must be accomplished by the same permitting process as for new installations.
- (2) Notwithstanding reinforcement or protection otherwise provided, a permittee shall be responsible for the security of each existing pipeline and utility within a road construction zone. Where there are unusual utility hazards or where heavy construction equipment will be used, the permittee shall provide adequate temporary protection. In replacing the roadway, the design should give due consideration to the protection of previously existing utilities in the roadway section without sacrificing the geometrics of roadway design.

5. PERMITS

A. GENERAL REQUIREMENTS

It is unlawful for anyone to make any use of any right-of-way for other than transportation and uses incidental thereto or as otherwise provided by this policy without a **right-of-way use permit and/or franchise** as provided herein and complying with all the provisions thereof, and any code or statutory provisions applicable to said use. No facility shall be used for other than the purpose stated, unless written approval is granted by the county.

B. VALIDATION OF PRIOR PERMITS

All permits and franchises granted by the county before the effective date of this Act shall continue in full force and effect until their respective expiration dates; PROVIDED, that any such permit or franchise shall be subject to this policy except where the terms of the permit or franchise are inconsistent herewith. Any provided further that this policy shall not impair the obligations of any existing franchise. All renewals and extensions of any such permit or franchise are subject to all of the provisions of this policy.

C. SPECIFIC REQUIREMENTS

When required, **permit and franchise applications** shall be submitted in a standard format as prescribed by the county. The permit application shall include the following information:

- 1) Agreement to all pertinent provisions of this policy and to such special conditions as the county may deem appropriate.
- 2) Description of the facilities to be installed.
- 3) Adequate exhibits depicting existing or proposed location of the facility in relation to the road, including right-of-way or easement lines; relationship to currently planned road revisions, if applicable; and all locations and situations for which deviations in depth of cover (including the proposed method of protection) or other locational standards are anticipated.

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D. FACTORS, JUSTIFICATION

The requirements for approval of a permit to use right-of-way vary. In reviewing any application for justification and approval, the following or other appropriate factors may be considered:

- (1) Length of time of right-of-way use;
- (2) Disturbance of right-of-way surface;
- (3) Requirements for public safety;
- (4) Disruptions of usual public use;
- (5) Risks of damage to right-of-way;
- (6) Costs to the county for services;
- (7) Effect on private property;
- (8) County use of the right-of-way;
- (9) Risks of spills and debris in the right-of-way.
- (10) Consistency with Conditional Use Permitting and Developmental Regulations

E. PERMIT & FRANCHISE EXEMPTIONS

Right-of-way use permits will not be required for routine or emergency maintenance and repair of franchised or permitted utilities that does not alter the location or design from the original installation; PROVIDED, that the roadway, shoulders, embankment or cut slopes, or drainage facilities are not disturbed. When the utility is responding to emergencies the County Engineer shall be notified, verbally or in writing, as soon as practicable following the emergency if the roadway, shoulders, embankment or cut slopes, or drainage facilities are disturbed.

Franchises not required: the Garfield County Engineer may grant an exemption for individual, private, and single residential/farm utility installations on county right-of-way, if, the utility is question adjoins only to the applicant's property and is not intended to be utilized solely by the applicant.

F. LIMITATIONS ON PERMITS

Any permit shall be for the term provided in the permit, unless earlier revoked. The duration of any permit will generally not exceed one year. Unless expressly provided by the terms of the permit, franchise, or applicable law, all permits and franchises shall be subject to the public right to travel on the right-of-way, be permissive only, and grant no rights.

G. LEGAL COMPLIANCE

Nothing in this section or policy shall avoid compliance by an applicant or permittee with all other applicable laws, statutes, including the State Environmental Policy Act (Ch. 43.21C RCW), Garfield County Comprehensive Plan and Development Regulations and the Shoreline Management Act (Ch. 90.48 RCW). The applicant shall have the burden of securing any other permit, license, or legal approval required to undertake the use proposed by the applicant.

H. APPLICATION, PERMITTING PROCEDURE

- (1) Application for any permits and franchises, as required by this policy shall be on a form provided by the County Engineer and be accompanied by fees as provided. Where requested by the County Engineer, drawings or diagrams showing the location and detail of any facility to be placed within the right-of-way shall be part of the application. No application which does not contain all information requested shall be considered.
- (2) The County Engineer shall examine each application to assure compliance with the provisions of this policy and procedures. The County Engineer may make such further

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inquiry or investigation of any circumstances with respect to an application as he deems appropriate.

- (3) If the County Engineer concludes that the application is in compliance with the provisions of this policy and that granting of the permit to the utility will not interfere with use of the road involved nor interfere with the rights of the public, the county engineer shall make recommendation to the Board of County Commissioners for granting the permit upon such terms and conditions as are deemed necessary to protect the public use of the road.

I. HOLD HARMLESS Any permit or franchise shall contain, in essence, the following:

In accepting this permit the petitioner, his successors and assigns agree to protect and save harmless the County from all claims, actions or damages of any kind and description which may accrue to or be suffered by any person or persons, corporation or property by reason of the performance of any such work, character of materials used or manner of installation, maintenance and operation or by the improper occupancy of rights of way or public place or public structure, and in case any such suit or action is brought against said County for damages arising out of or by reason of any of the above causes, the petitioner, his successors or assigns will upon notice to him or them or commencement of such action defend the same at his or their sole cost and expense and will fully satisfy any judgment after said suit or action shall have finally been determined if adversely to the county.

J. CERTIFICATE OF INSURANCE

If Garfield County determines there is a risk of potential liability to the county arising out of any proposed use of any right-of-way, the permittee or franchisee may be required to obtain and maintain Personal Injury and Property Damage Liability Insurance necessary to protect the county and public within limits of liability of not less than \$1,000,000 before performing utility work within the county road right-of-way. Any such required insurance shall not be reduced or canceled without thirty days written prior notice certain to the county. Garfield County reserves the right to increase those limits for Franchises to those limits as stated in the Standard Franchise Agreement Forms provided by the County Engineer.

Evidence of the existence and continuation of the insurance herein shall be provided to the county's satisfaction and may be either of the following (at the county's option):

- (1) A photostatic copy of the endorsement(s) and/or policy providing the required coverage.
- (2) An original or photostatic copy of a binder of insurance signed by an authorized broker of the insurance company reciting the above coverage.
- (3) A certificate of insurance reciting the above coverage.

K. BONDING

The Garfield County Engineer will determine if a bond is required and will set the bond amount. The bonding amount typically will be 150% of the estimated cost to reconstruct that portion of the County Road Right-of-Way being used. It is at the sole discretion of the County Engineer to determine what potential impacts or damages that may occur to the Right-of-Way and what repairs may be required.

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L. ADDITIONAL INSURANCE REQUIRED

Garfield County reserves the right to require any additional insurance as deemed necessary including but not limited to Business Auto Liability Insurance. Additional insurance requirements will be determined thru the Permitting and Franchising Process.

6. SPECIFIC REQUIREMENTS – UNDERGROUND UTILITIES

A. UNDERGROUND UTILITIES – LOCATION AND ALIGNMENT

- (1) For all crossings, the angle of crossing should be as near to a right angle to the road centerline as practicable. However, lesser angles may be permitted based upon economic considerations of practical alternatives.
- (2) Where practicable, crossings should avoid deep cuts, footings of bridges and retaining walls, or locations where highway drainage would be affected.
- (3) Longitudinal installations should run parallel to the roadway and lie as near as practicable to the right-of-way line. Installations which cannot be so installed will be allowed within the right-of-way, provided that:
 - a. The installation will not adversely affect the design, construction, stability, structural integrity, traffic safety, or operation of the road facility; or
 - b. Failure to allow such installation will create an undue hardship or financial burden upon the utility.
- (4) Where irregularly shaped portions of the right-of-way extend beyond the normal right-of-way limits, a uniform alignment of facilities shall be allowed.

B. UNDERGROUND UTILITIES – COVER

The grade of and resulting cover for an underground utility shall be in compliance with applicable federal, state and county requirements unless otherwise specified in the permitting or franchising process.

C. UNDERGROUND UTILITIES – ENCASEMENT

- (1) Casings shall be installed for roadway crossings where required by appropriate industry code.
- (2) Casings may be required for the following conditions:
 - a. As an expediency in the insertion, removal, replacement, or maintenance of a carrier line crossing or other locations where it is necessary in order to avoid open trench construction.
 - b. As protection for carrier lines from external loads or shock either during or after construction of a road.
 - c. For jacked or bored installations of coated carrier lines unless assurance is provided to the county that there will be no damage to the protective coating.
- (3) Within the road right-of-way, where practicable, casing pipes shall extend beyond the toe of fill slopes, back of roadway ditch, or outside of curb.

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- (4) Other than for necessary vents and/or drains, casing pipes shall be sealed at both ends.
- (5) Casing pipes shall be designed to support the load of the road and superimposed loads thereon and, as a minimum, shall equal the structural requirements for road drainage facilities. Casings shall be composed of materials of sufficient durability to withstand conditions to which they may normally be exposed.

D. UNDERGROUND UTILITIES – UNCASED CARRIERS

- (1) The carrier pipe shall conform to the material and design requirements of the appropriate utility industry and governmental codes and specifications.
- (2) The carrier pipe shall be designed to support the load of the road, plus superimposed loads thereon, when the pipe is operated under all ranges of pressure from maximum internal to zero pressure.

E. UNDERGROUND UTILITIES – APPURTENANCES

- (1) Vents shall be required for casings, tunnels and galleries enclosing carriers of fuel where required by federal safety standards. Vent standpipes should be located and constructed so as neither to interfere with maintenance of the road nor to be concealed by vegetation. Preferably standpipes should stand by a fence or on the right-of-way line.
- (2) Drains shall be required for casings, tunnels or galleries enclosing carriers of liquid, liquefied gas, or heavy gas. Drains for carriers of hazardous materials shall be directed to natural or artificial holding areas to prevent the potential for surface or ground water contamination. Drains for which only water or other non-hazardous liquids may discharge may be directed into the roadway ditch or natural water course at locations approved by the county. The drain outfall shall not be used as a wasteway for routine purging of the carrier unless specifically authorized by the county.
- (3) Location markers and emergency information should be used when required by applicable state and federal standards.
- (4) Manholes should be designed and located in a manner that will cause the least interference to other utilities or future road expansion. Where practicable, installations in the pavement or shoulders should be avoided.

F. UNDERGROUND UTILITIES – INSTALLATION

Installations shall ensure safety of traffic and preservation of the roadway structure, and required construction shall, unless otherwise provided in the approved permit, be in accordance with the following controls:

- (1) Trenched Construction and Backfill:
 - a. Where the pavement must be removed, it first shall be cut in vertical (or undercut) continuous straight lines.
 - b. Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe plus 2 feet. Shoring shall comply with the Washington State Department of Labor and Industries Safety Code.
 - c. The pipe or carrier shall be installed and the trench backfilled in a manner assuring no deformation of the pipe likely to cause leakage and restoration of the structural

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integrity of the roadway structure. Specific trench backfill requirements regarding materials and methods shall be provided by the county.

- d. When trenching is approved on paved roads, the pavement shall be restored as required by the county.
- (2) Untrenched construction may be required for pipelines crossing roads paved with asphalt concrete or cement concrete and for roads paved with bituminous surface treatment when directed by the county.
 - a. If sufficient right-of-way exists, the length of untrenched construction shall extend a minimum of 4 feet from edge of pavement, except that a lesser standard may be permitted by the county engineer where conditions warrant.
 - b. Overbreaks, unused holes, or abandoned casings shall be backfilled as directed by the county engineer.
 - c. Water boring under roadways shall not be permitted.
 - d. Existing carriers and conduit installed under a roadway may be physically located prior to pipeline installation.
 - (3) Plowing of communication and electrical lines on or adjacent to existing roads by means of a vibratory plow may be allowed by the county, provided that the structural integrity of the roadway is not impaired.
 - (4) There shall be a utility representative present during construction of all underground utilities, who understands the work, who supervises the work and assures compliance with the terms and conditions of the permit.

G. UNDERGROUND UTILITIES – ONE CALL SYSTEM

Utility facilities shall be located and identified in accordance with Title 19 RCW, Chapter 19.122, sections 19.122.010 thru 19.122.900 (Washington State One Call System).

7. SPECIFIC REQUIREMENTS – OVERHEAD UTILITIES

A. POWER AND COMMUNICATION LINES

- (1) Single-pole construction and joint use of the pole is desirable and should be used whenever feasible.
- (2) The minimum vertical clearance for overhead power and communication lines above the road and the minimum lateral and vertical clearance from bridges shall be in compliance with the National Electrical Safety Code and Washington State Department of Labor and Industries "Electrical Construction Code".
- (3) Where irregularly shaped portions of the right-of-way extend beyond the normal right-of-way limits, a uniform alignment of facilities shall be allowed.

8. AESTHETIC/SCENIC CONSIDERATIONS

- A. Utility installations shall be designed and constructed to minimize the adverse affect on existing roadside manmade or natural amenities. Special efforts shall be taken to minimize any potential negative impact on areas of scenic beauty (i.e. scenic strips, viewpoints, rest areas, recreation areas, public parks or historic sites, etc.).

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- B. Overhead utility installations shall be permitted in areas of scenic beauty when other utility locations are not available, are not technically feasible, are unreasonably costly, or are less desirable from the standpoint of visual quality.
- C. If the utility intends to use chemical sprays to control or kill weeds and brush in scenic areas, prior approval must be granted by the county at least annually. The county may limit or restrict the types, amounts, and timing of applications if a significant negative impact on the aesthetics of the area is anticipated, provided such limitations or restrictions are not in conflict with State law governing utility right-of-way maintenance.
- D. Refuse and debris resulting from the installation or maintenance of the utility Facilities shall be promptly removed once work is completed.

9. INSTALLATIONS ON ROADWAY BRIDGES AND STRUCTURES

Attachment of utility lines to a roadway structure (including bridges) may be allowed where such attachment conforms to sound engineering considerations for preserving the roadway structure and its safe operation, maintenance and appearance. The attachment shall be in accordance with the following:

- A. Attachment of a utility shall not be considered unless the structure in question is of a design that is adequate to support the additional load and can accommodate the utility facility without compromise of highway features, including reasonable ease of maintenance.
- B. Manholes and other utility access panels should be avoided within the roadway portion of the structure.
- C. Attachment on a structure of a pipeline carrying a hazardous transmittant shall be avoided where practicable.
- D. The utility attachment shall not reduce the clearance of a structure where such clearance is critical. Attachment to the outside of a structure should be avoided where there are reasonable alternatives.
- E. Utility mountings shall be of a type which shall not create noise resulting from vibration.
- F. The hose created in a structure abutment shall be sleeved, shall be of the minimum size necessary to accommodate the utility line, and shall be sealed to prevent any leakage of water or backfill material.
- G. The utility line back of the abutment shall curve or angle out to align outside the roadbed area in as short a distance as is operationally practicable.
- H. Communication and electrical power line attachments shall be suitably insulated, grounded, and preferably carried in protective conduit or pipe from point of exit from the ground to re-entry. Carrier pipe and casing pipe shall be properly isolated from electric power line attachments.

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10. MISCELLANEOUS PROVISIONS

A. PRESERVATION, RESTORATION AND CLEANUP

- (1) The size of disturbed area necessary to install a utility shall be kept to a minimum.
- (2) Restoration methods shall be in accordance with the specifications of the county and/or special provisions of the franchise, permit or agreement.
- (3) Unsatisfactory restoration work shall be promptly corrected by the utility. If necessary, unsatisfactory restoration work may be corrected by the county and billed to the utility.

B. TRAFFIC CONTROL AND PUBLIC SAFETY

- (1) Traffic controls, including detours for all utility work, shall conform with the currently applicable "Manual on Uniform Traffic Control Devices for Streets and Highways".
- (2) All construction and maintenance operations shall be planned to keep interference with traffic to minimum. On heavily traveled roads, construction operations interfering with traffic should not be scheduled during periods of peak traffic flow. Work shall be planned so that closure of intersecting streets, road approaches, or other access points is held to a minimum. The county may require an applicant to submit a traffic detour plan showing the proposed detour routing and location and type of warning lights, safety devices, signs and barricades intended to protect vehicular or pedestrian traffic at the site of the proposed use.
- (3) Adequate provision shall be made to safeguard any open excavation, and shall include barricades, lights, flaggers, or other protective devices as may be necessary.
- (4) The storage of materials on through roadways shall not be allowed, and parking of vehicles on through roadways shall be kept to a minimum.

C. EMERGENCY REPAIRS

- (1) All utility facilities shall be kept in a good state of repair. Emergency repairs shall be undertaken in a timely manner.
- (2) If emergency repairs disturb the right-of-way, such repairs may be immediately undertaken and the right-of-way restored. Approval as to the manner of final restoration of the right-of-way shall be secured from the county in a timely fashion.

11. FEES AND CHARGES

The following fees and charges shall be charged by the county in the amount shown in the attached Fee Schedule and marked Appendix A:

- (1) Application fee. This fee shall be charged to compensate the county for preliminary application screening, and the establishment/administration of the permit application file. Application fees shall be collected at the time of permit application, and will not be eligible for refund.
- (2) Construction Inspection Fee. This fee shall be charged, in addition to the application fee, when the permitted activity includes excavation or plowing within the roadway or its appurtenances to compensate the county for the field investigation, plan review and inspection for conformance to the conditions of the permit. Construction Inspection fees

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shall be collected at the time of permit application. The Construction Inspection Fee will be refunded if the permit is denied.

- (3) Repair and replacement charge. If the county incurs any costs of repairing and replacing any right-of-way or county facility thereon, which has not been paid for under any other fee, the permittee shall be charged and shall pay the actual costs of repair and/or replacement incurred by the department, regardless of whether work is performed by the county or by a contractor hired by it.
- (4) Franchise Application Fee. A charge shall be due and payable in full at the time of franchise application. Utilities shall fully compensate the county for all direct and indirect costs and expenses related to the processing, review, and procedural requirements concerning the individual franchise. Applicants are required to reimburse the County for any and all costs that are in excess of the basic fees paid with the application. The appropriate application fee must be submitted with the application.
- (5) Fee exception. Fees will not be charged when the permitted or franchised utility is required to relocate facilities due to road relocation or reconstruction activities of the county.

APPENDIX A

UTILITY FEE SCHEDULE

<u>ACTIVITY DESCRIPTION</u>	<u>FEE/CHARGE</u>
Right-of-Way Use Permit	\$100.00 each
Approach Permit.....	\$100.00 each
Construction Inspection Fees	
Activity does not disturb roadway or appurtenances:.....	\$ no charge
Activity involves excavation in roadway or appurtenances:	
Per each excavation.....	\$150.00 each
Per continuous excavation or plowing.....	\$750.00 per mile (\$150.00 min.)
Franchise Application Fee.....	\$ 500.00 each
<small>Applicants are required to reimburse the County for any and all costs that are in excess of the basic fees paid with the application.</small>	
Repair and Replacement Charge	Actual cost plus 10% for administration